

#5 12-03-03 2643
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: OGINO

SERIAL NO.: 09/828,411

FILED: April 6, 2001

FOR: Portable Telephone Apparatus that can Attain Directivity of Antenna...

GROUP: 2643

DOCKET: NEC 01USFP630

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TC 2600

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicant hereby attaches U.S. Patent Office form PTO-1449, including copies of the references listed therein. Where available, English language counterparts and/or abstracts are being provided for Examiner's convenience. These references were cited in the Japanese Office Action dated September 11, 2003 of the underlying Japanese patent application. Enclosed is a copy of the Japanese Office Action, together with an English translation of the relevant portions thereof. The claims in the present application are believed to be patentably distinguished over these references.

This Supplemental Information Disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

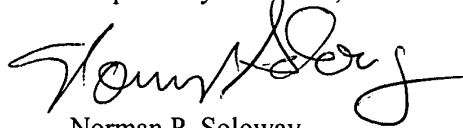
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In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted therewith.

The enclosed Supplemental Information Disclosure Statement is being submitted within three months of the Japanese Office Action, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

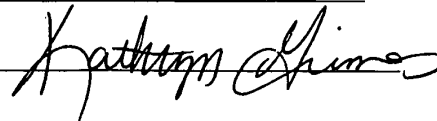
Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2003 at Tucson, Arizona.

By: 

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STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Docket No.
NEC 01USFP630

In Re Application Of: OGINO

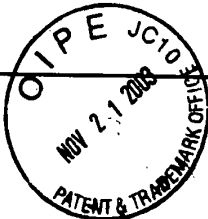
Serial No.
09/828,411

Filing Date
April 6, 2001

Examiner

Group Art Unit
2643

Invention: Portable Telephone Apparatus that can Attain Directivity of Antenna which Optimizes Reception
State From Base Station



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TO THE ASSISTANT COMMISSIONER FOR PATENTS: Technology Center 2600

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Dated:

November 18, 2003

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Certificate of Mailing by First Class Mail

I certify that this document is being deposited on
Nov. 18, 2003 with the U.S. Postal Service as first
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Kathryn Grimes

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